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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**  
12

13 IN RE HIGH-TECH EMPLOYEE  
14 ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:  
16 ALL ACTIONS  
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Master Docket No. 11-CV-2509-LHK

**DECLARATION OF CHRISTINA BROWN  
IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO SEAL  
PORTIONS OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
JOINT ADMINISTRATIVE MOTION  
TO SUPPLEMENT THE RECORD AND  
DECLARATION OF EDWARD E.  
LEAMER IN OPPOSITION TO  
DEFENDANTS' ADMINISTRATIVE  
MOTION**

1 I, Christina Brown, declare as follows:

2 1. I am a member of the Bar of the State of California and a counsel of the law firm  
3 of O'Melveny & Myers LLP, attorneys for Defendant Apple Inc. I submit this declaration in  
4 support of Plaintiffs' Administrative Motion to Seal, Pursuant to Civil Local Rule 79-5(d),  
5 Portions of Plaintiffs' Opposition to Defendants' Joint Administrative Motion to Supplement the  
6 Record and the Declaration of Dr. Edward E. Leamer in Opposition to Defendants'  
7 Administrative Motion ("Motion to Seal") (Dkt. 271). I make this declaration based on my own  
8 personal knowledge and information provided to me, as noted below. If called to testify as a  
9 witness, I could and would do so competently.

10 2. Apple requests that the Court maintain under seal: (1) a portion of Plaintiffs'  
11 Opposition to Defendants' Joint Administrative Motion for Leave to Supplement the Record in  
12 Support of Their Opposition to the Motion for Class Certification and Motion to Strike Dr.  
13 Leamer's Expert Report ("Plaintiffs' Opposition to Motion for Leave to Supplement") (Dkt. 270);  
14 and (2) a portion of Exhibit A to the Declaration of Dr. Edward E. Leamer in Opposition to  
15 Defendants' Administrative Motion ("Leamer Opposition Declaration") (Dkt. 270-1). I have  
16 reviewed these documents, and I believe that there is good cause to maintain under seal the  
17 portions set forth below. As described below, they contain, rely upon, and reflect information  
18 designated by Apple as CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Stipulated  
19 Protective Order entered by the Court on January 24, 2012 (Dkt. 107).

20 3. The following portion of Plaintiffs' Opposition to Motion for Leave to Supplement  
21 reflects Apple's highly confidential and competitively sensitive employee compensation data:  
22 page 5, lines 2-4 and 5-6.

23 4. The following portions of the Leamer Opposition Declaration contain and reflect  
24 Apple's highly confidential and competitively sensitive employee data, including employee  
25 salaries, total compensation, and job titles: Exhibit A, charts at pages 1-2 and 5-6.

26 5. As set forth in the Declaration of Mark Bentley Pursuant to Civil Local Rule 79-  
27 5(d) in Support of Administrative Motion to File Under Seal at ¶ 4 (Dkt. 204) and the Declaration  
28 of Steven Burmeister in Support of Defendants' Opposition to Plaintiffs' Motion for Class

1 Certification at ¶ 11 (Dkt. 215-4), such information is extremely sensitive, and Apple considers it  
2 to be, and treats it as, confidential, proprietary, and competitively sensitive. Apple would suffer  
3 serious competitive harm if this information were disclosed because its competitors would gain  
4 detailed data and insight into its confidential and proprietary employee compensation practices  
5 and strategies. Public disclosure of this information would deprive Apple of its investment in  
6 developing these strategies and put Apple at a significant disadvantage with respect to recruiting,  
7 hiring, and compensating its employees. Apple would therefore be prejudiced if this information  
8 were made available to the general public.

9 6. Because these portions of the documents cannot be publicly disclosed without  
10 causing serious harm, as described above, Apple requests that they be maintained under seal and  
11 redacted from the publicly-filed versions of the documents.

12 I declare under penalty of perjury under the laws of the United States that the above is true  
13 and correct.

14 Executed on January 22, 2013, in San Francisco, California.

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16 By: /s/ Christina Brown  
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